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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,044	09/30/2003	Nelson Bolton	626-119	5420
7590	05/11/2006		EXAMINER	
John Lezdey and Associates 2875 MCI Drive Pinellas Park, FL 33782			SPAHN, GAY	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/675,044

Examiner

Gay Ann Spahn

Applicant(s)

BOLTON ET AL.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 06 March 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
☐ B. New paragraph(s) should not be underlined.
☒ C. Other See Continuation Sheet.

☒ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
☒ B. Other See Continuation Sheet.

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
☐ C. Other _____.

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
☒ E. Other: See Continuation Sheet.

☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.


Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable


Suzanne Dino Barrett
Primary Examiner

Telephone No.

Continuation of 1(c) Other: The amendments to the specification are not in compliance with 37 CFR 1.121(b)(1)(i) because:

- (1) on page 3, line 3, of the amendment, the instruction "Page 1, line 15 to page 2 line 13 rewrite as follows:" does not unambiguously identify the location of the two paragraphs to be replaced because those two paragraphs are actually located at page 1, line 16 (i.e., the title of the invention on line 1, the heading "Field of the Invention" is on line 2, a paragraph of text is on lines 3-6, the heading "Description of the Prior Art" is on line 7, and another paragraph of text is on lines 8-15) to page 2, line 11;
- (2) on page 4, line 2, of the amendment, the instruction "Page 7, line 5, rewrite as follows:" does not unambiguously identify the location of the line to be replaced because the line is actually on page 6, line 22;
- (3) page 4, line 5, of the amendment, the instruction "Page 8, line 21, to page 9, line 17, rewrite as follows:" does not unambiguously identify the location of the paragraph to be replaced because the paragraph is actually located at page 8, line 13 to page 9, line 8; and
- (4) page 5, line 5, of the amendment, the instruction "Page 10, line 18 - page 11, line 8, rewrite as follows:" does not unambiguously identify the location of the paragraph to be replaced because the paragraph is actually on page 10, lines 9-21.

Continuation of 2(b) Other: The amendment to the abstract on page 1, the last line (i.e., "Submitted is a new abstract wherein the term "means" is omitted") and on page 2, is not in compliance with either 37 CFR 1.121(b)(1)(i) or 37 CFR 1.121(b)(2)(i), because there is no instruction unambiguously identifying the location of the Abstract on page 18, lines 1-11 and instructing that the original Abstract should be replaced with the new Abstract.

Continuation of 4(e) Other: Canceled claims 2 and 9 should not have the text of the claim after the status identifier "(Canceled)" according to 37 CFR 1.121(c)(4)(i).



Suzanne Dino Barrett
Primary Examiner